

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1527 of 2023

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Pintu Kumar Saw Son of Shankar Sao Resident of Village- Karma Kala P.O.
and P.S.-Rajauli District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary Revenue and Land Reforms Department, Patna.
2. The District Officer cum Collector, Nawada.
3. The Sub Divisional Officer, Rajauli, Nawada.
4. The Circle Officer, Rajauli, Nawada
5. The Station Head Officer, Rajauli, P.S.-Nawada
6. The Executive Engineer Road Construction Department, Nawada
7. The Revenue Clerk, Rajauli Block, Nawada
8. Sobha Kumari Wife of Sanjay Choudhary Resident of Village Karma Kala P.O. and P.S.-Rajauli, District-Nawada.
9. Sanjay Choudhary Son of Late Gaurishankar Choudhary Resident of Village Karma Kala P.O. and P.S.-Rajauli, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Standing Counsel-19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2023 The present writ petition has been filed
seeking the following reliefs:-

“1. (1) For issuance of writ in the nature of mandamus directing the respondents to open the way to reach home to the petitioner from Rajauli to Gaya State Highway 70 road, the way has been closed by private respondent no. 8 and 9 by constructing marketing complex (construction work is on going), whereas the Sub Divisional Magistrate, Rajauli Nawada (herein Respondent No. 3) has prohibited the private respondent no. 8



and 9 for any type of construction on the disputed land vide order dated 15-12-2020 passed in Case No. 98/2020 under section 144 Cr.P.C. (Pintu Sao Vs Shobha Kumari) and sent the copy of order to concerned S.H.O. and Circle Officer (herein respondent No. 4 & 5), hence also succeeded in constructing the marketing complex in collusion with S.H.O. Rajauli (Respondent no. 5), whereas the measurement report & map prepared by Govt. Amin forwarded to Circle Officer, Rajauli shown as the Plot No. 1699 of private respondent situated at South to way it appears to be Khanta of P.W.D. which is clearly shown in Map, but Jamabandi created in the name of private respondent No. 8, the petitioner is no way to reach to their house rather the grandfather of petitioner had purchased the said land in year 1970 and the petitioner constructed the house but at present the way to reach home to the petitioner is fully stopped.

(ii) To direct the respondent no. 2 to enquire the role of S.H.O. of Rajauli P.S. who blindly supported and helped the private respondent No. 8 & 9 to construct the marketing complex on the land in



question ignoring the order of S.D.M. Rajauli by falsely implicating the petitioner by lodging F.I.R. under relevant Section of SC/ST Act in which the informant is husband of private respondent and sent him to jail while the petitioner released on bail in said case again implicated the petitioner in another case registered under Section 306 I.P.C. in which the husband of private respondent is made F.I.R. witness and sent to jail only with intention to complete the construction of marketing complex of private respondent on the land in question which dispute is going on and S.H.O. doing help to encroach the land which is clearly shown as Govt. land i.e Khanta of P.W.D in report and map of Govt. Amin reported to Circle Officer Rajauli.

(iii) To direct the respondent no. 6 specially to enquire the land in question which Jamabandi created in the name of Shobha Kumari by the office of respondent no. 4, whereas the measurement report of Govt. Amin and map of land in question shown as the land in question is Khanta of Public Work Department (PWD) land situated at



village-Karmakala, Sirdala to Bodh Gaya to State Highway Road.

(iv) To direct the respondent after enquiry and measurement of land in question if found to be Govt. land/P.W.D. land the process be initiated to cancellation of Jamabandi created in the name of private respondent No. 8 and to demolish the construction made on the land in question."

After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, for redressal of the aforesaid grievances.

Liberty so sought is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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